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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,039	09/15/2003	Isaak Volynsky	MAT 3H2	1665
23581 7590 02/12/2007 KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			EXAMINER HYLINSKI, ALYSSA MARIE	
			ART UNIT	PAPER NUMBER
			3711	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/12/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/663,039

Applicant(s)

VOLYNSKY, ISAAK

Examiner

Alyssa M. Lowen

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atwood (186919), Piotrovsky (4470784) and Miura (5989658).  
Atwood discloses a hollow high-volume insert (Fig. 1) that is frustoconical in shape such that it will form an inner supporting structure (column 1 paragraph 3) for an appendage of a toy figure (Fig. 1) such as a leg (Fig. 1). Piotrovsky discloses a body portion (Fig. 2) that will form the inner supporting structure of an appendage for a toy figure (Fig. 3) with at least one engagement portion in the form of a cylindrical boss (36) for pivotably connecting the insert to another portion of the toy figure. The boss is attached to a tab (34) having a convex surface for supporting the boss (Fig. 2). The insert is also equipped with a plurality of pins and pegs (56, 46) for stabilizing the insert within a mold so as to injection mold the toy figure (Fig. 8). It would have been obvious to one of ordinary skill in the art from the teaching of Piotrovsky to add a tab and boss type of engagement portion to the insert of Atwood in order to speed up the manufacturing process since more parts could be manufactured at the same time as opposed to having to manufacture each piece separately and independently. Also by including the pegs and pins the insert can be placed in a mold to more quickly and efficiently coat an

Art Unit: 3711

outer layering on the doll. The references disclose the basic inventive concept, substantially as claimed with the exception of showing the relationship between the insert and the outer covering as well as having first and second engagement portions for creating pivotal connections. Miura discloses a high volume insert for an injection-molded toy figure having a body portion (311, 315, 321 or 327) configured to form an inner supporting structure of an appendage of the toy figure (Fig. 29), which occupies 70% of the volume of an associated portion of the appendage (Figs. 26 & 29). The maximum diameter of the insert extends 75% across a diameter of the associated portion of the appendage (Fig. 29). The insert also has at least one engagement portion for pivotably engaging another portion of the toy figure (Fig. 29). The toy figure has a torso and limbs (Fig. 29) having a soft flesh-like outer layer (column 17 lines 62-64) molded over an inner skeleton including a high volume insert. The body portion is configured to at least partially conform to an outer surface of the appendage (Fig. 29). The engagement portion is configured to form a pivotable connection with another portion of the toy figure (Fig. 29). The insert has a reinforcement ridge for supporting the engagement portion formed by a raised hook portion on an end of the insert (Fig. 29). The insert (321 or 327) has a first engagement portion for engaging the torso portion of the toy figure and a second engagement portion for engaging a limb portion (311 or 315) of the toy figure where the engagement portions include semicircular edges that rotate smoothly within an outer covering of the toy (Fig. 29). It would have been obvious to one of ordinary skill in the art to only mold a thin layer of the outer covering onto the toy such that the insert takes up a greater percentage of the appendage so as to allow

Art Unit: 3711

the parts to be easily manipulated and moved since there will be less material to inhibit movement. Furthermore, a modification that involves a mere change in the size of a component is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). It would also be obvious to include first and second engagement portions to the device of Atwood and Piotrovsky in order to make the toy more entertaining since it would be capable of more realistic movements.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atwood, Piotrovsky, Miura and Hanf (3609911). The references disclose the basic inventive concept, substantially as claimed, with the exception of the engagement portion using a hollow dowel and a hollow boss to allow for a pivotal connection between components of a toy figure. Hanf discloses a toy having a pivotable joint formed by a dowel engaged in a hollow boss (Fig. 1). It would have been obvious to one of ordinary skill in the art from the teaching of Hanf to use a dowel and boss in order to create a movable joint in a toy figure. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the dowel hollow because Applicant has not disclosed that making the dowel hollow provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a solid dowel because it would still allow for a pivotal connection.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa M. Lowen whose telephone number is 571-272-2684. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AML

  
STEPHEN ELAU  
PRIMARY EXAMINER